

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RYAN REISS and
SHAWN REISS,

Plaintiffs,

VS.

No. 3:18-cv-183-JPG-RJD

LIFE INSURANCE COMPANY OF NORTH AMERICA, a CIGNA Company, QUEST DIAGNOSTICS, INC., and EMMITT TINER,

Defendants.

**DEFENDANT EMMITT TINER’S RESPONSE IN OPPOSITION TO PLAINTIFFS’
MOTION TO STAY PROCEEDINGS**

Now comes Defendant, Emmitt Tiner, by and through his attorney P.K. Johnson, V, and for his Response in Opposition to Plaintiffs' Motion to Stay Proceedings, states:

1. On or about July 31, 2018, Plaintiffs, Ryan Reiss and Shawn Reiss, filed a Motion to Stay Proceedings.

2. Defendant Emmitt Tiner objects to staying these proceedings on the following grounds:

A. There is no question that Brenda Sue Reiss is deceased. A death certificate has been issued by the Effingham County Coroner. The death certificate is complete other than the setting forth the manner of death, which is “Pending Investigation.” No party has explained to this defendant or to the court the reason why the life insurance benefits cannot be distributed based upon the death certificate that has been issued.

B. This matter is not scheduled for trial until April 29, 2019. Even if a final death certificate which includes the manner of death is required to be filed before the life insurance benefits can be distributed, certainly a final death certificate will be issued in the next 6 months. In the meantime, the parties can continue litigating this matter to determine the rightful beneficiary. When the final death certificate is issued, the life insurance benefits can be paid to the rightful beneficiary as determined by this court.

C. Defendant Emmitt Tiner has filed a Motion to Dismiss Plaintiffs' Complaint. If the Motion to Dismiss is granted, this matter may be concluded. The death certificate is not relevant to the issues raised in the Motion to Dismiss. If the court is inclined to grant Plaintiffs' Motion to Stay the Proceedings, Defendant Emmitt Tiner requests that the parties be permitted to proceed with argument on the Motion to Dismiss.

WHEREFORE, Defendant Emmitt Tiner respectfully requests that this court enter an order as follows:

- A. Denying Plaintiffs' Motion to Stay Proceedings;
- B. In the alternative, allowing the parties to proceed with argument on Defendant Emmitt Tiner's Motion to Dismiss.
- C. Awarding Defendant Emmitt Tiner such other, further, and different relief as this court deems just and equitable.

/s/ P.K. Johnson, V _____
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 1, 2018, the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system which will send notification to all parties of record.

/s/ P.K. Johnson, V _____